THE FRUITS OF VICTORY.

HOW THE LAST EFFORT OF THE PILESBURY RING WAS FOILED.

The Mandamus Case - A Characteristic Trick-How it was Trumped -- Who Went to Orangeburg - The Sudden Change of Base-An Appeal to Judge Graham and its Result-The Hearing in Columbia - A Clinching Return-The Mandamus Vacated - A Glorious Day's Work for Charleston.

· In the city on Friday last the probable result of the mandamus was discussed in all its phases. The dusky satellites of the Mars of the Ring were strangely confident, while the white folks, calm and self-contained, awaited grimly for what should come next. Captain Hendricks, the chief of police, was looked up to by the curbstone idlers around the City Hall as the great Panjandrum, and his every glance was closely watched. Towards dusk, the knowing ones let fall a hint that "the Wagener crowd were gone up." "And how's dat?" asked a corpulent policeman. "We have a card to play which they don't was the reply. At this raomeaning of these oracular utterances, and ere many hours the mystery was solved. It seems that Messrs. Worthington and Hoge, counsel Thisbury informing him that he must give up all hope of obtaining a declarat on of martial law, so long as the citizen; conducted themselves with their usual prudence. At the same time they advised the members of the Ring to sign a petition, which was enclosed, asking that the hearing of the return to the mandamus b : had in Columbia instead of in Orangeburg. J.y the afternoon of Friday the petition bore the sames of Mayor Pillsbury and four Aldermen, and it was probably signed by the rest of the Ring members of the board. A dispatch was forthwith sent to Judge Graham, at Marion advising him that all the parties interested desired and consented to the change, so that the Ring succeeded in having the place of hearing changed as proposed, but of this change the counsel for Aldermen Voigt, Thorne and Holloway had no notice whatever. The counsel for these Aldermen posted to Orangeburg by the night train, as arranged, and the facts only leaked out when the telegraph offices were closed for the night. Then Hendricks and his companions swore "they had got 'em." They said the cause would be heard at 10 o'clock, Saturday morning, in Columbia, and Messrs. Hoge and Worthington would be there, but the counsel for Messrs. Voigt, Holloway and Thorne would be at Oran; aburg, and could not get to Columbia in time. The plot was an ingenious one, and as soon as the particulars were received at THE NEWS office, attempts were made to open communication, with the counsel then on their way to Orangeburg. Nothing, however, could be done on Friday night; but at an early hour on Saturday morning the proprietors of THE News telegraphed to General Simons and Judge Magrath, at Orangeburg, giving them all the information in their possession, and advising them, at the same time, that Judge

and were able to act promptly and to the pur On our own streets nothing was heard of the crafty plot until a telegram was received from Orangeburg to the effect that the counsel were going to Columbia. This announcement was incomprehensible to all save the wellinformed few, but THE NEWS' bulletin was called into requisition, and its explanatory dispatches were eagerly read by anxious thousands. This is the history of the attempt to have the mandamus decided during the absence of all the counsel excepting those who represented Pillsbury and his henchmen.

Going to Meet the Ring.

But to return to the main thread. The protest not having been entertained by Council on the 25th instant, for want of a quorum, it became necessary that the alternative of the mandamus issued by Judge Graham should be obeyed, and for this purpose on Friday evening the counsel, representing Aldermen Voigt, Thorne and Holloway, started for Orangeburg to make a return in behalf of their clients the next day in compliance with the writ. Judge Graham was supposed to be in Marion, and was expected, with the counsel of the Ring, Messrs. Worthington and Hoge, to meet the party from Charleston at Orangeburg. Aldermen Voigt, Thorne and Holloway were in the able hands of General James Simons, Hon. James B. Campbell, Colonel A. H. Brown, Governor Magrath, Colonel Charles H. Simonton, Major George L. Buist, James Simons, Jr., and A. T. Smythe, Esquires. These genmen left the city Friday night, and were courteously accommodated with the choicest car of the South Carolina Road. In this comfortable vehicle the counsel could hold their consultations without interruption, and view the morrow's battle from every possible standpoint. The train left Charleston at ten minutes after seven o'clock, but even before this time there was a rumor of treachery on the other side, to the effect that Judge Graham was not coming to Orangeburg, and would hear the returns elsewhere. There was but little time to lose, and Major Buist hastily telegraphed to Mr. Izlar, of the firm of Izlar & Dibble, Orangeburg, asking him to meet the party at the train when it arrived at that place. Confident in the strength of their case. and buoyant with hope, the hours flew swiftly by, and at half-past one o'clock Saturday morning the train

Arrived in Orangeburg.

The car containing the counsel was backed upon the turn out and the whistle of the iron horse echoed cheerily back as he sped upon his rapid course. Mr. Izlar was in waiting at the depot and entered the car as soon as the train came up. From him the counsel learned that the judge was not in Orangeburg, but was expected on the down passenger train, at ten o'clock that morning. Things seemed to be all working right, and the occupants of the car disposed of themselves in various ways to await the advent of

Rosy Fingered Morn.

The all-important day dawned clear and bright, and the cool, crisp morning air, as it came over the distant hills and the smiling calley of the Edisto, had a pleasant and exbilarating effect upon the party. At an early hour dispatches were received by Governor

Magrath and General Simons, from The ter of the protest against an election for Mayor Number of votes cast for C. Michaels. 5,534 CHARLESTON NEWS, to the effect that Judge of August, 1871, your respondents would re-Graham was in Columbia, and would hear the case there instead of in Orangeburg. These telegrams wrought

A Change in the Aspect of Affairs. It had been noticed that not one of the adherents of the Ring were on the train on the preceding night, and not one of them was to be seen in Orangeburg. Brigadier General Whipper had been seen on board, but had got out at Summerville. This strange inaction on the other side portended nothing good, and the dispatches from THE NEWS confirmed the suspicions of foul play. It was now plain that the returns would not be made in Orangeburg, and an attempt was probable on the part of the relators to have the return of the Pillsbury Aldermen heard elsewhere, so that a writ of peremptory mandamus might issue in the absence of any opposition. It was now about 9.30 A. M., and the train upon which Judge Graham had been expected would arrive at 10 o'clock. A consultation was immediately held in the car, at which the following

Dispatch to Judge Graham was prepared:

ORANGEBURG, October 28, 1871.

To the Hon. R. H. Graham, Columbia, S. C.:
We are here with returns of three respondents in city mandamus, according to your order. Your Hogor has not arrived nor have the counsel moving the rule. We have received received responses of any change of time or place, and no notice of any change of time or place, and it your Honor has allowed any change to be made we ask to be informed thereof, that we ment, a News reporter appeared on the scene, and the oracle was sile t. Enough was heard, however, to make it proper for The News, as the people's paper, to ferret out the many of these oracular utterances, and ere earliest opportunity, to appear before Piease answer by telegraph, to this plat our expense.

JAMES SIMONS, to this place, at

JAMES B. CAMPBELL, A. H. BROWN,
A. G. MAGRATH,
C. H. SIMONTON,
G. L. BUIST, LANG SIMONS Jr

The train arrived on time, and it was quickly ascertained that Judge Graham was not on board and had been seen in Columbia. The junior counsel immediately proceeded to the telegraph office, and the legal protestation against the fraud attempted upon the people's rights and a demand to be heard went flashing over the wires to the judge at the State Capital.

The Reply of His Honor

was anxiously awalted. Minutes seemed hours. It was half after ten, perhaps even then the hearing was going on, and the case about to be decided. Perhaps the involuntary default of the three respondents represented by the counsel at Orangeburg was then being taken advantage of to secure at the time desired peremptory mandamus. These unpleasant doubts, however, were of short duration. An interval of fifteen minutes had scarcely elapsed before the prompt reply was flashed back as follows:

COLUMBIA, October 28, 1871. To James Simons, and others, Orangeburg: I am here. Will hear return to Land it five o'clock this afternoon.

B. F. Graham. Will hear return to mandamu

The message fully restored the confidence of the inmates of the car, and measures were taken to have their vehicle hitched on to the up-passenger train from Charleston, and at half-past one o'clock found the counsel once more moving swittly along

En Route for Columbia.

Now the spirits of the party rose as much as they had been depressed on the receipt of the telegrams at Orangeburg. The long expected hearing was to be granted at the place whither they were speeding, and the artful plot Graham was still in Columbia and had not laid by their opponents had been detaken the morning train for Orangeburg. The tected, exposed and deteated. It was a time counsel now had the main tacts of the trick of buoyant hope, and from the recesses of which the Ring had tried to play upon them, the farther end of the car, the prince of Charleston caterers was summoned to appear. It is needless to say how keenly Tully's ministrations were enjoyed by the company. They served to while away the time until the sub urbs of the State Capital became visible among the green hills, and the roof of the new State house rose boldly into view. On their

Arrival at Columbia

the party drove to the Columbia Hotel. They here met Judge Graham, and refreshed themselves preparatory to entering upon the argument in the case. After a brief interval, the crowds proceeding in the direction of the

court-room, In the Old Carolina Hall.

gave notice that the mandamus case was about to be taken up. The court was opened about half-past 5 o'clock, his Honor, Judge Graham, on the bench. The magnitude of the interests at stake made the game interesting even to outsiders, and quite a number of citizens were present curious to learn how the case would terminate. The relators were represented by their counsel, Messrs. Worthington and Hoge, the senior counsel, Mr. Melton, being kept away by domestic affliction. The present city government was represented by the Hon. D. T. Corbin, and General James Simons, Hon. Jas. B. Campbell, Colonel A. H. Brown, Hon. A. G. Magrath, Colone C. H. Simonton, Major Geo. L. Buist, James Simons, Jr., and A. T. Smythe, Esqs., appeared for respondents, Aldermen Voigt, Thorne and Holloway.

The Court-room

was divided off by a railing across the middle, and in the compariment for the use of the bar, at the further end of the building, was araised platform on which was the judge's seat. The counsel were seated around the tables in front: the Charleston counsel at a large table in front and to the left of the judge, and the Hon. D. T. Corbin among them. Messrs. Worthington and Hoge, counsel for the relators, were seated at a small table a little to the right.

The Opening of the Case was made by Mr. Worthington, who said that on the application of certain parties, as reiators, an alternative writ of mandamus had been issued by his Honor, requiring the present City Council to call a meeting and entertain the protest, or show cause in Orangeburg

of August, 1871, your respondents would re-spectfully show unto your Honor that, in obedience to your Honor's said mandate, the undersigned did meet at the Council Chamber, in Charleston, on Wednesday, the 25th of October, for the purpose then and there to hear and entertain the protest of the said relators, wherein they contest the election of J. A. Wagener to the office of Mayor of the said city, and the election of B. O'Neill and others to the office of Aldermen of said city, and wherein the said relators charge the managers of said election, held on the 2d day of August, 1871, with illegal conduct in the agement thereof, and for the purpose of then and there examining the returns of the man-agers of said election, together with the balots, and to investigate the case and declare

Your respondents would further show that they were unable to comply with the mandate by reason of the fact that there was no quorum of the City Council then and there pre-sent, as shown by the minutes of the said meeting hereunto annexed. That the act of he General Assembly of December 20, 1850 leclares that hereafter the Mayor, and not less than twelve Aldermen, shall be a quorum of the City Council for the imposition of taxes and the appropriation of money, and that for the discharge of all other duties imposed, and all other power and authorities vested in the said city by law, the Mayor and not less than

ten Aldermen shall be a quorum.

And there being present at the said meeting only the Mayor and eight Aldermen, to wit, the undersigned respondents, your respondents could not obey the said mandate.
All of which is respectfully submitted.
G. PILLSBURY, Mayor,
M. H. COLLINS.
W. R. H. HAMPTON,

E. P. WALL, L. F. WALL, G. I. CUNNIAGHAM, R. HOWARD. T. R. SMALL. WM. MCKINLAY.

To this was appended the minutes of the meeting from which the reporters were ex cluded on the 25th instant. It merely stated that there being no quorum present the Counall were not authorized to act, and, therefore, could not obey the writ of mandamus issued and served upon them.

Mr. Corbin said that the return spoke for itself. The respondents therein had been unabie to comply with the writ by reason of the non-attendance of the Aldermen named. Mr. Worthington then read the returns of personal service of the writ, by handing a copy and leaving it with the respondents. These returns were signed by Richard E. Wall, and stated that Aldermen Geddings, Thorne, Holloway, Potter and Green could not be found. The judge asked if there were any other returns.

In Reply, General James Simons said in response that he had been retained with his colleagues to present the return of three members of the present City Council, upon one of whom personal service of the writ of mandamus had been made, it having been left at the residences of the other two. That on making these returns they were placed in the position of making a return to an alternative writ, and hat the first part of the return was made as if in opposition to a rule to show cause, and the

econd part as to the merits of the case. The counsel for the relators have announced that they intended asking not only for a peremptory mandamus, but, in accordance with notice already furnished, they proposed to ask for a restraining order prohibiting and restraining the respondents, the present Mayor and Council, from surrendering their franchises and archives of office until the peremptory mandamus could be decided.

General Simons having been requested to proceed, Major G. L. Buist read the return of Alderman Charles Voigt, as follows:

THE STATE OF SOUTH CAROLINA-CHARLESTON COUNTY.

In the matter of the case of the State ex relatione S. T. Gardiner and others, vs. Michael H. Collins, et al.

itione S. T. Gardiner and control of South Carolina, dark 1971. Comparty of the deleased said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference, and a party of the deleased by invitation at the said conference at the party of the deleased by invitation at the said conference at the party of the delea City of Charleston, that on Wednesday, the 25th October, 1871, they meet in the Council Chamber in Charleston, at 2 o'clock, P. M., and that they there and then hear and entersain the protest of the relators, wherein they contest the election of certain persons, Mayor and Aldermen of Charleston elect, and wherein the said relators charge the managers of elecions, held August 2, 1871, with illegal conduc

in the management thereof, and that they do then and there examine the returns of the managers of election, together with the ballots and investigate the case and declare the said election, or that they show cause to the con-trary thereof, before the said judge, at his chumbers, at the Courthouse in Orangeburg, on Saturday, 28th October instant, at 11 o'clock A. M., being duly sworn, I. For a first answer says: That this depo

nent respectfully submits, that by reason of anything in the aforesaid complaint, or in so nuch of the order aforesaid, as required him to meet in Council aforesaid, for the said purpose, he was not bound in law to meet as required in the said order, for the reasons and or the causes hereinatter mentioned, that i

1. That the form and mode of application to the said court by the complaint aforesaid is illegal, informal and unknown to the common aw or statute law of the State of South Caro lina. That the 475th section of the A. A., 1st March, 1870, entitled "An act to revise, simplify and abridge the rules, practice, pleading and forms of courts in this State." expressly declares that, "unless the Legislature shall otherwise provide, the second part of this act shall not affect proceedings by mandamus or prohibition." That proceedings by mandamus n this State are, therefore, left as they stood y law before said act, and the proceedings of the relators, by complaint, in manner form, as used by them, is illegal and void.

That if the proceeding in mandamus can be instituted by complaint under the said act, then no proceeding under sald act can go on until a summons has been duly served on the defendants, as by the act prescribed, and no summons has at any time been served upon this deponent in the said case; and no lawful order affecting the person can be made on such complaint, until such summons has been

3. That no notice of the motion for manda mus was given either to the acting Board of Aldermen, the individuals of the board, nor to the Mayor and Aldermen elect; and this deponent says that besides the individual members of the acting Board of Aldermen, the Mayo and Aldermen elect, (who have been declare elected, as admitted in this complaint,) chiefly being principally interested in the subject should have been included in such notice, and notice served upon all of them.

4. That in pursuance of an act of the Legis lature of this State, an election for Mayor and Aldermen of the City of Charleston was or-dered to be held in Charleston on the 2d Au-

WARD 3.

CHARLESTON, MONDAY MORNING, OCTOBER 30, 1871.

Number of votes cast for A. B. Mitchell..... 4,686 Number of votes cast for R. Howard...... 4,451 WARD 4.

WARD 5. Number of votes cast for Wm. Moran. 5,679 Number of votes cast for F. Brown 5,414 Number of votes cast for A. Cameron. 4,818 Number of votes cast for A. A. Aspinali 4,697

WARD 6.
Number of votes cast for E. Garden.
Number of votes cast for A. Simonds.
Number of votes cast for M. H. Collins.
Number of votes cast for R. H. Cain.

WARD 7.

Number of votes cast for F. J. Pelzer.....

Number of votes cast for E. D. Enston....

That the foregoing table shows that there was then a very large and unmistakable mawas then a very large and unmistakable majority for the Mayor and Board of Aldermen elect. That those complaining are only inhabitants of the City of Charleston, and there is not one of the defeated candidates among them. That none of the persons complaining claim to have been candidates, or in any way connected with the civetical, expect as being connected with the election, except as being such inhabitants. That the question of the election is a public question in which the whole community and no particular individual, other than the candidates, has any title or right to complain, and that this the title and right being on the whole community, and not in the individuals, except the candidates, who the attorney-general is the proper person to institute the ings which the persons complaining have put in motion, or the same, at least, should be by

5. That the persons complaining have not set forth in their complaint or paper aforesaid that they or either of them, or any person or persons on their behalf, or on behalf of any persons on their behalf, of obtain of ally person or persons whomsoever, have at any time requested or demanded of the acting Board of Aldermen of the City of Charleston hat the returns of the election, together with the ballots, should be examined by them, and the case investigated, and that they should de-clare the election. Nor have they set forth a refusal on the part of the said acting Board of Aldermen so to do. And moreover that they aldermen so to to.

And mover that acy never have made any such request on the acting Board of Aldermen, and that there never has been any such refusal on their part, either directly or indirectly, and this deponent alleges that no application, either individually active the proper been made to him on or officially, has ever been made to him on this subject, nor did he in either capacity ever

his consent.

notice of the said protest have any notice of the said protest.

6. That the paper purporting to be the complaint aforesaid, and the motion thereon for a mandamus, are not supported by proper affidavits of the facts therein stated, by the perdavits of the facts therein stated, by the persons complaining, or by any other persons on their behalf. That the facts stated in order to found the motion should have been supported by affidavits, framed in so certain and formal a manner, that an indictment for perjury might be sustained upon them if the averments be wilfully false; and that the verification in the case is made in so loose a manner and form, that it would be impossible to fix false swearing upon any statement in the comfalse swearing upon any statement in the com-plaint, and it is respectfully submitted that neither a rule to show cause, nor an alternaneither a rule to show cause, nor an alterna-tive mandamus, can issue on the affidavit in

ification of the complaint. II. That for a further answer, this deponent positively affirms that ne protest was made or any notice of a protest of the said election given to the acting Board of Aldermen on the given to the acting board of Aldermen of the 6th August, 1871, or at any other time before, or that any notice has been given them since. And he will show that no protest was filed with the clerk of Council at that time, as al-leged by the persons complaining, or by any other person, and denies the said statement. other person, and denies the said statement. That on the third day after the election, when the managers of election and citizens was conterring together as to the safest and most appropriate custody of the ballots, in case of any contest of the election, members of the party of the defeated candidates were present by invitation at the said conference, and it was announced openly that there would be no present or contest as to the election.

That this deponent has nearly and been informed that a sew days after the election, the Hon. Gilbert Pillsbury, then Mayor of Charleston, requested a number of citizens of the highest respectability to meet him in the Council Chamber to consult on the best consult on the best consult on the sext that the council content and preserve. neans of allaying all excitement and preserv ing public quiet, at which he was attended by one Alderman and another friend, General Gurney, the latter of whom, in a speech in the presence of Mayor Pillsbury, announced the fact that they were satisfied after so un-mistakable a majority to abide by the result of the election, to which Mr. Pillsbury did not

That this deponent has heard and been infromed that on the 7th August, 1871, Mr. Stone, the law partner of the city attorney, on behalt of the Mayor, attended a conference of the counsel of the Mayor and Aldermen elect, as to the time at which they should be installed by the Mayor and Aldermen elect, led into office, and it was agreed that the day fixed by law was the 1st Wednesday in Norember

rember.
That on the 8th August, 1871, City Council, being the acting Board of Aldermen, held a meeting in the Council Chamber of the City of Charleston, at which time and place there was a quorum; that there were present on the oc-casion Mayor Pilisbury, and Aldermen Ged-dings, Cunningham, Holloway, Volgt, Hamp-ton, Collins, Small, E. P. Wall, Thorne, Howard and McKinlay; that of these persons, his Honor, Mayor Pillsbury, and Messrs. McKinlay, Howard, Cunningham, Hampton, Collins and Volgt, had been candidates at the said election, and Mr. Volgt was the only one of them who had been elected. That much business done at that meeting, and among other thing. done at that meeting, and among other ining-, that the bills of the managers of election, amounting to \$1500, were passed and ordered to be paid. That the Council then proceeded to the election of city civil engineer, and made an election; that two of the Aldermen, Messra. Collins and Cunningham, opposed the election, and the latter demanded that his protest be accepted. He did not think it right for Council and the latter demanded that the council and the second that the council and the second that the second the second that the second recorded. He did not think it right for Council to elect a new official for four years, on the eve of its retiring. Yet nothing was done or said in relation to a contest or a protest of the sald election.

That in pursuance of the arrangement concurred in on the 7th of August, 1871, Mayor Pillsbury, on the 8th August, 1871, on the same day of the said meeting of Council, issame day of the said intesting forth the votes sued his proclamation, setting forth the votes received by the candidates, and declared the Mayor and Aldermen elect elected, and the mayor and Andermen elect elected, and the fact of the conference of the 7th August, 1871, was published in the newspapers on the 8th August, 1871, in Charleston, and Mayor Pillsbury's proclamation was published in the same on the 10th August, 1871, wherein by declaring the election, he held out to the world the Mayor and Aldermen elect duly elected. the 5th September, 1871, the City Council, being the acting Board of Aldermen met at a regular meeting of Council, in the City Hall of Charleston, for the transaction of sent City Council to call a meeting and entertain the protest, or show cause in Orangeburg
Courthouse at II A. I Saturday why they
refused to do certain acts. That by stipulation between counsel and certain of the
City of Charleston on the 2d Au
respondents, the hearing of the return to the
writ had been transferred to the City of Columbla. If this transfer had caused any inconvetinence no one regreted the circumstance more
than the counsel for the relators. A return
had been filed. He knew not what it contained
and asked that it be read.

The Return Made by Pilisbury.
The Hon. D. T. Corbin presented to the
attention of the court the return of the Major
and certain Aldermen of the City of Charleston,
and read the same as follows:

STATE OF SOUTH CAROLINA, CHARLESTON COUNTY,
To the Hon. R. P. Graham. Circuit Judge for
the First Circuit of the State agroresand:
In response to the writ of mandamus, issued
by your Honor on the 19th day of October A. D.
1871, on the relation of S. T. Gardiner, J. H. Win.
1881, Thomas Tillinghast, J. K. Ancrum, Wm.
Dart and H. B. Pickenpack, electors and corporators of the City of Charleston, in the mat-

legal advice.

That this deponent affirms that the protest of the election, filed in the clerk's office, was not notice to the acting Board of Aldermen; that the clerk of Council was not a member of the board. That even if it was notice of the protest, there was no request or demand on the acting Board of Aldermen to consider the same, and there never has been any refusal on their part so to do. And this deponent says that the relators had full and ample opportuni-ty to make their protest of the election, to make the demand aforesaid upon the acting Board of Aldermen, and further to have a full quorum, and take their action thereon before Mayor Pillsbury declared the said election; that by not filing the said protest of the said election, before the said declaration of the election, and not taking any action thereon until the 17th September, 1871, they have been guilty of such gross laches and unreasonble delay, that they are not now entitled to the relief they claim; and they should have made their protest of the election, and put the same in motion before the Mayor opened the return of the managers, and declared the election of the Mayor and Aldermen elect, for which they had ample and abundant time. That before the 5th of September, 1871, two

Aldermen died and two resigned; and that since that date, by the absence and sickness of members of the Council, no quorum has been had, although meetings have been called. That from the 2d August, 1871, to the date of said order, no notice of any protest, or con-test, has been given to the Council, or acting Board of Aldermen, nor any request made for them to meet for the purpose of considering any such matter. That if application had been made at any time between the 2d August and 5th September, inclusive, a quorum could have been obtained.

 That true it is that the complainants al-lege that in their protest they have charged the managers of election with illegal conduct in the management thereof, but there is no specification in the complaint of any particulars in which the said managers are charged to have so illegally conducted themselves. That the order requires the acting Board of Alder-men to hear and entertain the protest. That the sald protest has never been submitted to the said acting Board of Aldermen. That the duties imposed upon the acting Board of Alder-men by the A. A. 1868, are not judicial in their character, as held and decided by the Supreme Court of this State, and that according to the Court of this State, and that according to the judgment of the said court, their only power, authority or duty under the said act is to declare the election, that is to say, to declare those elected who have received the highest number of votes, and no more, and that the said board have no power or authority to deal with the validity of the election, or the con-

duct of the managers.

That Mayor Pillsbury, before the said protest, had already, in obedience to and conformity with the statute, announced and published the whole number of votes cast, and the whole number of votes cast for each candidate, and declared by public proclamation, the several candidates receiving the largest number of legal votes for the offices for which they were voted, duly elected; and the election having so been declared, there is nothing left for the acting Board of Aldermen to do in reduct of the managers. for the acting Board of Aldermen to do in re-spect of the said declaration of the election; and the relators are not entitled to the said

mandamus.

And this deponent further says, that no protest of the election having been made or set on foot, and no notice thereof having been given to the said Mayor or acting Board of Aldermen before Mayor Pillsbury made the said announcement and declared the election, as the complainants in their statement admit, it was too late after the same to make any pro-test of the said election, and they are not entitled to the mandamus

This deponent submits that no case has been presented by the persons complaining, of the character contemplated by the A. A. 1868, and one therefore in which the powers conferred y that act on the City Council can be lawfully

exercised.

This deponent further says that he is informed and believes that the relator, S. T. Gardiner, was one of the managers at the said elec-tion, and signed the general return and the returnof his individual precinct. C. Veigt. Sworn to before me and subscribed this 27th of October, 1871.

J. E. BURKE, J. E. BURKE, Notary Public.

Mr. James Simons, Jr., next read the returns of Aldermen Thorne and Holloway, which were similar to the above, with the exception of a few trifling alterations. During the reading of the returns General Gurney, county treasurer, was present in court, and his silent acquiescence in the portion relating to his action in regard to the Mayor was a strong confirmation of the statements. Mr. A. T. Smythe then read the following joint

Affidavit of Major Buist and Alderman Voigt.

THE STATE OF SOUTH CAROLINA-CHARLESTON COUNTY.

Personally appeared before me G. Lamb Buist and C. Voigt, who, being duly sworn, said that on the 24th October, 1871, they called at the office of the clerk of the City Council of Charleston (W. R. Mitchell) and requested that he would furnish them with a certified copy of the protest of the late city election, said to have been filed in his office, to which he sald to have been filed in his office, to which he replied that he had had it in his possession, but that it was now in the possession of his Honor, the Hon. G. Pilisbury, and that he could not furnish what they desired. They then asked him when the papers were left with him. To which he replied, that a petiwith him. with nim. To which he replied, that a petr-tion remonstrating against the election of General Wagener as Mayor was filed in the clerk's office on the 17th September, but having no quorum at the City Council was de-ferred, and since has passed into the Mayor's possession; and at their request signed a paper to that effect in their presence and gave it to them. the original of which gave it to them, the original of which is with this deposition and signed by these de-ponents in authentication thereof. That they then went immediately from the office of Mr. Mitchell, the clerk of the City Council, to the chamber of Mayor Pillsbury, in the City Hall, and, seeing him in person, stated to him that the clerk of Council had just informed them that the paper mentioned by the clerk, the protest of the election of Mayor, was in his possession, and they requested him to allow them to look at it. He declined, stating that

them to look at it. He declined, stating that he would have to take legal advice.

G. L. Bust,
C. Voiot.

Sworn to before me this 24th October, 1871. J. E. BURKE, Notary Public.

Mr. Symthe next read the official proceedings of the Charleston Councils meetings for August 8th and 22d, September 5th and 19th, and October 3d, showing that two full meetings had been held, and business transacted by Council on August 9th and September 5th, afthe date, the 6th of August, when the relators claim that the protest was filed, and at which, ii filed, it could have been presented and read. My Bull and Your Ox.

Mr. James Simons then read the decision of Justice Willard, concurred in (at that time) by Mr. Justice Hoge, in the case of the State ex rel. Gilbert Pillsbury, et al, vs. the acting Board of Aldermen-i. e. Mayor Clark and his Council-in which it was decided that the acting board had the power of counting the votes and declaring the result, but not of adjudging the election illegal or void. This prayer of the complaint is that the protest be closed the pleadings for the respondents, and Mr. Worthington made

The Argument for the Relators.

He regretted extremely that older and abler counsel had been denied, by reason of a family affliction, the satisfaction of making the argument. The duty now assigned him was unexpected, and he could only submit such thoughts as suggested themseives. The relators seek to enforce the performance of a ministerial duty, and not that which is among the general duties of the board. He did not conceive that the case read (and which appeared to give him some trouble) interfered with the object of the relators. They only asked that the acting Board of Aldermen may do what fell short of and was less than the exercise of judicial powers, and examine into and dedid not exclude the board from examining and proclaiming the result. This was but a minutes, Governor Magrath handed up the chamber of Commerce at 10 octoor A. A. And the matter was decided, for, in a few minutes, Governor Magrath handed up the chamber of Commerce at 10 octoor A. A. And the matter was decided, for, in a few minutes, Governor Magrath handed up the clare the result of the election. The decision

act under Judge Willard's decision. He says: once: They shall not ascertain judicially the illegal conduct of-

[The speaker here asked for the decision, and it having been handed to him, he seemed struck with another idea, and branched off. He continued:1

The decision disposed of another of the posiions assumed by the respondents. In the last clause of section 4 of the return, it is alleged that the question of election is a public one, and no individuals, excepting candidates, can complain, but the attorney-general is the proper person to institute the proceedings, or they should, at least, be by his consent. In the case of the State ex rel. Gilbert Pillsbury vs. Mayor Clark and board, the attorney-general did not make the complaint.

"He was counsel, perhaps," suggested Mr. Campbell, "and the return expressly makes an exception in favor of the candidates | electi who may make the complaint it they claim the office."

This suggestion, mildly and kindly put, staggered the counsel in his speech, and he gracefully gave up the point and proceeded: The respondents charge that the relators

have proceeded by complaint, which is illegal in this case. It is a petition, and should be so regarded, as it was on this ground that no summonses were issued. Unfortunately there was an error as to the date when the protest was filed, which was not discovered until the papers were served, and which seemed to ofter a reasonable pretext on which to ask that the writ of mandamus be dissolved. It was stated in the writ that the persons aggrieved got out their protest and filed the same on the 6th of August. This ,was a mistake; the protest was not filed until a month later. This error affords the respondents an opportunity of presenting affidavits to show that there was a quorum present at two meetings of Council. He would aver that after the presentation of the protest, notwithstanding earnest endeavors, there was not only no quorum, but this was owing to the wilful and deliberate act of certain individual members to prevent a quorum Three parties who were absent during several of the last meetings fail to account; for their absence. On the announcement of the election the relators, not being content, caused to be drawn up and filed their protest, charging the managers with illegal conduct. It was signed by citizens to the number of three hundred, and filed on the 6th of August, says the complaint, and he would frankly admit that it should be the 6th of September, as certified to him by the clerk when the complaint was be-

ng drawn. Golonel Brown. "Produce it. Show us the certificate."

After a painful search of papers and racking of the memory, the certificate could not be found, and counsel supposed it had been left at his office among some other papers. Judge Graham relieved the counsel by

remarking that it would be impossible for the court to decide to compel the acting board to entertain the protest until he knew what the grounds were upon which it rested. Governor Magrath. "Your Honor, we have

asked for the protest and it should be furnished Judge Graham. It may be that the grounds

are such as in the opinion of the court are unfit for the board to decide apon. From the affidavits now before the court, it rules that no protest has ever been filed. The clerk has not got it, it has never been in court. The defendants have been denied the sight or a copy of it. There is no protest. It is impossible for the court to decide this case until it sees the protest and examines the grounds upon

Mr. Worthington said the protest had been iled and the complaint states the grounds. Since the time of fling it, a quorum has been A purposely avoided. If the protest was before In your Honor it would show nothing more than can be got out of the complaint of the relators. He did not know how business was done in Charleston, and in whose hands the protest was. It was not on file, because there had been no board to receive and consider it There was no denying that the managers had prepared their return in due time, as authorzed by the act, and sent the same to the Mayor, who issued his proclamation-Governor Magrath rose, and, asking leave

of counsel to interrupt him, inquired:

1st. Does the counsel maintain that the acting Board of Aldermen have the power to declare the election void or do anything else than examine the ballots and declare the result? As this question must of necessity be answered in the negative, he would ask-2d. Are any circumstances whatever pre

sented to the notice of the court to induce it to order a further scrutiny in the matter of this election by a writ of mandamus, which is never granted unless there is a denial of some important right, or unless some great good is to be effected? The answer would reduce the argument to a single point. Mr. Worthington said that this brought the

question back to the decision of Justice Willard. The Supreme Court had decided upon the impropriety of investing a board of alder men with judicial power to decide upon their own continuance in office. The decision did not deny that the board might go on entertaining the protest and count the ballots.

General Simons. Your Honor says rightly. we think, that without a protest there is no question. I read from the complaint :

8th. That your relators have at all times, since the submission of their said protest, earnestly desired to have action thereupon by the said acting Board of Aldermen, and to have the opportunity afforded to your relators to present to said board the ground upon to present to said board the ground upon which your relators contest the election, &c. ir relators have repeatedly brought the matter of the said protest to the attention of the acting Mayor, and to the attention of individual members of the acting Board of Alder men, &c.

There was no need to submit testimony as to the legal right. The duty of the board was to count the ballots and make a mere arithmetical compilation. The purport of the heard and determined. Where is the protest Who here has seen it or can swear as to the existence of such a document? We are playing Hamlet, and the Ghost has not been seen. It is not in existence. We have tried to see it. We have asked for it. None here have been able to see it. It is said to be in the Mayor's possession. Its proper place is not there, but in the office of the clerk and in this

Mr. Worthington. "The phraseolgy of the petition, which embodies the protest, conveys the idea of an examination to be held-Colonel Brown. "Oh, d-n it, they have thrown up the sponge. Let's go !"

Judge Graham. "Don't you think, Mr. orthington, that you can't get on !" Mr. W. "That's for you to decide, sir."

declined, saying that he would have to take ministerial act, and so far the board could following order, which the judge signed at

EIGHT DOLLARS A YEAR.

In the matter of the State ex relatione S. T. Gar-diner, et al, vs. M chael H. Collins, et al.

On hearing read the returns made to the rules issued in these cases, it is ordered, that the rules be discharged and all further proceedings under the application for an alternative mandamus be discharged and the same October 28th, 1871.

The proceedings had scarcely occupied an hour, but as the case progressed it became evident to all how it would terminate. The decision was just and sound, and could not be avoided. The matter was discussed freely afterwards, and the Radicals present all admitted that the relators had the weakest of cases, and the decision was no more than they had expected. The Charleston party got back to the depot

in time for the 8 o'clock train, and arrived in the city yesterday morning, where the good news soon spread over the whole city, causing general rejoicing and congratulations.

THE OLD WORLD'S NEWS.

London, October 28. Cladstone made a speech at Greenwich today, in which he eulogized the Queen, complimented his colleagues, pointed with pride to
the vitality of the Liberal party, declared that
Ireland was more contented, and promised that
the troops in the colonies should be reduced,
with various other military reforms.

Austria submits proposals respecting the International Society for the consideration of
the Government at Berlin.

the Government at Rerlin.

the Government at Berlin.

It has been decided that the Papal conclave on the subject of the Pope's testament shall meet in France, not at Rome. Vatican circles continue to give out that the Pope will shortly leave Rome unless the Duc d'Hemourt is favorably instructed by the French Government. There is no possibility of such instructions. An allocution of the Pope has been published, in which, while he recognizes bishops appointed by the Italian Government as possessing requisite qualifications of their offices, he solemnly repudiates Italy's guarantees and protests against the invasion of the Holy See. The allocution also condemns the course of Dr. Dollinger and such as are following his ex-Dr. Dollinger and such as are following his ex-

THE TROUBLES IN UTAH.

SALT LAKE, October 28. Trouble is apprehended when Hawkins's sentence is delivered. The women seem most excited, and Federal officials have received threatening letters. Brigham Young has left

threatening letters. Brigham Young has left the city. Evidently something important is pending, but the Gentiles generally don't apprehend resistance to the law.

Salt Lake, October 29.

The mayor of the city and four others have been arrested by the United States marshal charged with the murder of prisoners and taken to Camp Douglass. Some wild words attended the proceedings, but there was no resistance. Orson Hyde, one of the twelve aposities, has fied southward to avoid arrest. A dead body was found near the city with four builet holes in it. Warrants are out for Brigham Young and his son Joseph on the charge ham Young and his son Joseph on the charg of murder. The indictments against Blohar Yates are founded upon the testimony of Bel Hickman, formerly a Danite or secret agent of the Mormons. Hawkins, convicted of adulte-ry, was fined \$500 and sentenced to three years' hard labor. Notice of an appeal to the

COTTON MOVEMENTS FOR THE WEEK.

New York, October 29.

The cotton movements for the week were large, both in receipts and exports. The receipts at all of the ports were 93,969 bales, against 82,538 last week, 64,097 the previous week, and 46,044 three weeks since. The total receipts since September have been 363,039 bales, against 437,622 for the corresponding period of the previous year; showing a decrease this year tof 74,563 bales. The exports from all of the ports for the week have been 39,911 bales, against 41,832 for the same week last year. The total exports for the expired portion of the cotton year amount to 154,131 bales, against 169,295 for the same time last year. against 169,295 for the same time last year.
The present stock, as compared with that of

Oct. 29, 1871.	Oct. 29, 1870.
	231,802
40,325	39,438
51,800	509,000
loat	
47,000	63,000
for	***
333,575	226,277
e South duri	ng the week
	Oct. 29, 1871. 219,526 40,325

vas generally favorable for picking operations.

AN UNFORTUNATE SCHOONER.

FORT MONROE, October 28. The schooner Florence Rogers, from Charleston, S. C., bound to New York, arrived here to day, and is anchored at lower quarantine. The captain and second mate died on the passage of yellow fever.

> THE GOVERNMENT GOLD. WASHINGTON, October 29.

The treasury purchases a million of bonds on each Wednesday, and sells a million of coin on the first, third and fifth Thursdays, coin on the first, third and fifth Thursdays, and two million on the second and fourth Thursdays of November Attorney-General Akermen has returned. THE WEATHER THIS DAY.

WASHINGTON, October 29. Brisk southerly winds are probable for to-night on Lake Michigan, and easterly winds on Lake Superior, followed by northerly winds on Monday. Southeasterly winds, with on monday. Southeasterly winds, with threatening weather, will continue on the Gulf coasts, and northeasterly winds, withincreasing cloudiness, in the South Atlantic States. The barometer will probably rise in New England, with northerly winds and clear weather. Cautionary signals are ordered at Grand Haven, Chicago and Milwaukee.

Yesterday's Weather Reports of the Signal Service, U. S. A .- 4.47 P. M., Local Time.

Place of Observation.	meter	Thermometer	Wind	Force of Wind	State of the Weather
Augusta. Baltimore Boston Buffalo, N. Y Charieston	30.33 30.10 30.22 30.20	51 46 47 67	W	Gentle. Fresh. Gentle. Fresh. Fresh.	Clear. Clear. Fair.; Clear. Fair.
Cheyenne, W. T., Chicago	30.03 30.22 30.22	54 59 49 46	SE Calm. SE	Fresh. Light. Gentie. Fresh.	Clear. Clear. Hazy. Fair. Cloudy.
Detroit	30.00	41 62 82	NE SE NE Calm.	Fresh. Gentle. Brisk.	Lt. Rain Fair. F.ir. Clear. Fair.
Memphis, Tenn Milwaukee, Wis, Morile Nashville New London, CL	30.07 30.07 30.09	75 46 74 77	Calm. SE SE SE NW	Fresh. Gentle. Gentle. Fresh.	Fair. Fair. Cloudy. Clear. Clear.
New Orleans New York Omaha, Neb Oswego, N. Y Philadelphia	30.01 30.23 29.99 30.21 30.23	74 48 48 44 49	E NW N NW N	Fresh. Fresh. Fresh.	Cloudy. Clear. Cloudy. Fair. Clear.
Pottsburg, Pa Portland, Me Rochester, N. Y. San Francisco Savannah	30.04 30.24 30.05 30.15	43 42 58 70		Fresh. Light. Gentle.	Hazy. Goody. Fair. Clear. Hazy.
St. Louis St. Paul, Minn Washington, D.C. Wilmington, N.C. Norfolk	29.92 29.96 30.29 30.24 30.29	47 -1 64 52	NE NE	Gentle. Gentle. Gentle. Gentle.	Fair. Thring. Hazy. Clear.
Mt. Wa-hington.	30.04 30.34 29.83	58 46 15	N.M.	Brisk B·14k. Gentle	Fair.
NOTE.—The we this morning, w					